

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – November 19, 2009

Members Present: Linda Dombrowski, Chair; Dave Grabowski, Vice-Chair; Tammy CitaraManis; Paul Yelder

Members Absent:

DPZ Staff Present: Marsha McLaughlin; Lisa Kenney, Kent Sheubrooks, Zan Koldewey

Ms. Dombrowski opened the public hearing at approximately 7:00 p.m.

PUBLIC HEARING

PB 387 – Rodgers Property (SP-09-006)

Presented By: Kent Sheubrooks

Petition: For Planning Board approval of a Preliminary Equivalent Sketch Plan, SP-09-06 for the subdivision of 68 residential lots comprised of 25 single family detached (SFD) lots and 43 single family attached (SFA) lots, 9 open space lots and 2 common open area lots (private alleys) on a property zoned “R-ED” (Residential-Environmental Development) and “R-A-15” (Residential-Apartments) in accordance with Section 107.E of the Howard County Zoning Regulations. The area of the subject property is approximately 41.43 acres and is located on the southeast side of North Ridge Road approximately 300 feet west of Rogers Avenue, on Tax Map 17, Grid Nos. 18 and 24, Parcel Nos. 80 and 99, in the Second Election District of Howard County, Maryland.

DPZ Recommendation: Approval

Petitioner’s Representative:

Mr. Sheubrooks gave an overview of the proposed plan and explained the uses on adjacent properties. He also stated the history of the subject parcel and adjacent parcels. Mr. Sheubrooks stated that the existing historic home would remain on the property.

Carl Gutschick, Engineer, stated his agreement with the staff report and that the project does meet all the criteria for approval as well as meets the objectives of the R-ED zoning.

Ms. CitaraManis questioned the size of the environmental disturbance. Mr. Gutschick explained in detail the area of access to the property and he stated that by bending the road they were able to avoid almost all of the environmental areas.

Preston Hartmann, 2737 Westminster Road, Ellicott City, Maryland, president of the association of the Enclave of Ellicott Hills asked several questions regarding a pedestrian connection, maintenance of a swm pond as well as traffic issues. Mr. Gutschick stated that there would not be a pedestrian connection, he also stated that Rec and Parks would be responsible for the swm pond. He also noted that a traffic study was completed and it was determined that a signal was not needed on North Ridge Road.

Susan Williams of 3052 Rogers Avenue asked several questions regarding the retaining walls, as well as the swm pond.

Ms. Dombrowski continued the public hearing until December 3, 2009 at 10:18 p.m.

PUBLIC MEETING

ZB 1081M – Murray Hill

Presented By: Bob Lalush
Petition: To rezone property from PSC to R-SA-8. East side of Gorman Road, about 1400' west of Skylark Boulevard.
DPZ Recommendation: Approval
Petitioner's Representative: Paul Revelle

Ms. Koldewey gave a brief overview of the proposed zoning map amendment explaining the history of the subject parcel as well as adjacent parcels. She also explained current zoning and uses on adjacent properties.

Ms. Dombrowski questioned if there was a similar case. Mr. Lalush stated that there was a case for Gorman Crossing and that it was the former site of Ev Mar Mobile Home Park. He explained that it was the exact same situation and that the Planning Board did recommend approval and the Zoning Board held its hearing, however the Decision and Order had not yet been issued.

Mr. Revelle stated that they worked with community and acted on their concerns. He explained that the density increase was bad timing and that the new townhomes will be priced for first time home buyers and in a good place for Ft. Meade and BRAC.

Ms. CitaraManis questioned the funding issue. Mr. Revelle stated that lenders are well aware of the problem of age restricted units not selling and very reluctant to loan money.

Ms. Dombrowski questioned any guarantees. Mr. Revelle stated no guarantees and the only thing moving are the modest priced townhomes. Mr. Revelle stated that the site plan is compatible with the existing Emerson development. Ms. Dombrowski asked about the time frame for the plan to be completed and Mr. Revelle stated that it would be at least a year once the case is approved by the Zoning Board..

Ms. CitaraManis asked if there was any opposition. Mr. Revelle state that they have worked closely with the neighbors, but he would say there was no opposition.

Motion:

Mr. Grabowski moved to accept the technical staff report for ZB 1081M Murray Hill. Ms. CitaraManis seconded the motion.

Discussion:

Mr. Grabowski stated that there is a lot of PSC age restricted housing, either built or in pipeline, that is not moving and that it has been proven over time that PSC on this parcel is a mistake.

Ms. CitaraManis stated that the zoning needs to be able to fluctuate with the market and that the case is very strong for mistake.

Mr. Yelder stated that his agreement with the Board Members.

Ms. Dombrowski stated her agreement with the Board and commented that the zone is too narrow and should be looked at in the future.

Vote:

4 Yea

0 Nay. The motion was carried.

ZB 1082M – Highland Holding

Presented By: Bob Lalush
Petition: To rezone property from RR-DEO to BR to permit a standard restaurant. SW of Highland Road, approximately 800' NW of Clarksville Pike..
DPZ Recommendation: Approval
Petitioner's Representative: Sang Oh

Mr. Lalush gave a brief overview of the proposed zoning map amendment from RR-DEO to BR with a preliminary development plan for a standard restaurant. He explained the location and history of the parcel as well as adjacent parcel uses and history. Mr. Lalush explained that the Petitioner would have to apply for a variance for setbacks, however they could not do that until the Zoning Board case was approved. Since this is a floating zone case there is no mistake or change,

Ms. CitaraManis asked what would happen if the property is rezoned and the setbacks are not approved. Mr. Lalush stated that the Zoning Board could deny it, however he did not expect that.

Mr. Oh explained that they will have to deal with setback variances once the zoning case is approved.

Mr. Niles Morton, 14061 Highland Road, Clarksville stated that they have met with Greater Highland Association and surrounding community, which resulted in the idea of a restaurant. He also stated that the restaurant would bring in vegetables and fruits from local farmers.

Rob Vogel, Engineer, stated that the parking lot would be downgraded to address car headlight issues. He stated that the plan does meet the three criteria for approval and that the closest adjacent property is a home based building contractor.

Ms. Dombrowski asked how the properties located directly across from the parcel would be impacted. Mr. Vogel stated he did not believe they would be impacted.

Ms. CitaraManis asked about sight distance analysis, Mr. Vogel stated that there is no concern with sight distance, however at this stage one is not needed, but once plan is submitted one will be done.

Mr. Yelder asked regarding seating capacity, Mr. Morton stated 99 seats.

David Robinson of 12862 Highland Road, lives on property directly facing the subject property and spoke in opposition of the case citing his concerns about traffic, sprawl as well as odors.

Mr. Fred Davis of 12850 Highland Road speaking for his parents, stated his agreement with agree with Mr. Robinson's comments. He also stated his concern regarding disturbance of the neighborhood, the decline of property values. Mr. Davis stated that a restaurant is more suited for the corner properties of Highland Crossroads. Ms. CitaraManis asked about the Greater Highlands vision, Mr. Davis stated that the vision has changed and commercial businesses have started to creep.

Kevin Bell spoke as a resident of the area and stated that the use is ideal and greatly needed. He stated that a restaurant was originally intended at the Highland Crossroads, however the building was turned down as a restaurant by the Health Department.

Susan Scheiet Hall spoke as a resident of the area and stated that the community is very much in favor of a restaurant.

Ms. CitaraManis asked what the Petitioner could do to minimize visually the headlight concerns. Mr. Greg Phillips stated that he would propose additional screening and a berm across the front of the property as well as add plants to properties across the street in order to minimize the impact.

Kevin Groner 13540 Paternal Gift Drive spoke in support of the restaurant stating that it maintains a sense of community.

Motion:

Ms. CitaraManis motioned to recommend approval as staff's recommendation with a clarification of the hours of operation as lunch and dinner as well as excluding the contingency of obtaining the variances. Mr. Grabowski seconded the motion.

Discussion:

Ms. CitaraManis stated that she understood the concerns of the opposition, however the use is a very good use for the area.

Mr. Grabowski stated that the plan is site specific which will control any sprawl or creep.

Mr. Yelder stated that he agreed with the Board.

Vote:

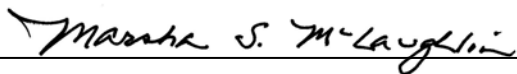
4 Yea

0 Nay. The motion was carried.

SPECIAL SUBJECTS:

1. The Board held a public worksession on SDP-08-097 Walgreen's. The Board voted to approve the plan 4-0 with conditions. (see Approval Letter)

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT 11:25 P.M.



Marsha McLaughlin
Executive Secretary



Lisa Kenney
Recording Secretary